



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Dan Saltzman, Commissioner ■ Dean Marriott, Director

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January 13, 2011

Mr. Chip Humphrey
EPA, Region 10, Oregon Operations Office
805 SW Broadway, Suite 500
Portland, OR 97205



Dear Mr. Humphrey:

On January 12, 2011, the Lower Willamette Group (LWG) responded to several recent Environmental Protection Agency (EPA) letters on the Portland Harbor Remedial Investigation (RI), risk assessments and upcoming draft Feasibility Study (FS). The City is writing to offer its separate views on the issues raised in that LWG letter and the EPA letters to which it responds. As we pass the ten year milestone since the listing of Portland Harbor as a federal Superfund site, the City continues to support efforts to move forward expeditiously to complete a draft FS, leading to an EPA draft Proposed Plan and Record of Decision. Completing these steps in good order will allow the design and implementation of the in-water cleanup to proceed at the earliest feasible date at this complex Superfund site.

INCORPORATING UPDATED DATA. EPA has called for the inclusion of various new data that have become available within and just upstream of the Harbor study area. The City believes it is appropriate to incorporate these data in the final RI to help provide a current understanding of site conditions and to address concerns that site data could be out-of-date.

EVALUATING PBDEs, THE EMERGING CONTAMINANT. EPA also seeks the inclusion of data and relevant analyses of PBDEs. While the evaluation of this contaminant has arisen late in the process, the City believes it is appropriate to undertake these analyses to assure the public that PBDEs have been considered thoughtfully in the course of the Portland Harbor investigation.

UPDATED SOURCE INFORMATION. EPA has also called for further efforts to identify upland sources that are contributing contaminants to the Harbor.

The City believes that the ultimate objective is a clear and important one: to ensure that sources are identified and adequately controlled so that the in-water remedy can proceed without substantial risk of recontamination of the site. This has been a problem at numerous sites around the country and should be avoided in Portland Harbor.

THE SCHEDULE AND THE COMPLEXITY OF THE SITE. Taken together, these three tasks may result in what we hope will be a modest effect on the project schedule, but the City believes that the additional information is important and worthwhile and that the schedule should accommodate these changes without significant disruption.

From time to time in the past, the sheer complexities of this site have led to delays in the project schedule that have been equally frustrating to LWG and to the agencies and Tribal governments. We appear to be at such a point again. The City looks forward to productive discussions leading to an overall project schedule that is as expeditious as practicable. We acknowledge that the quality of the draft Feasibility Study – the next important project milestone – will have as much bearing on the timing of that overall schedule as any other remaining phase of this process.

PROVIDING INFORMATION THAT WAS SCHEDULED FOR THE DECEMBER ALTERNATIVES SCREENING CHECK-IN AND THE ROLE AND TIMING OF SENSITIVITY ANALYSES AND RISK MANAGEMENT. EPA has also called on the LWG to provide analyses that were prepared in advance of the scaled-back December alternatives screening discussions. EPA noted that the agency had agreed to a discussion of these analyses rather than a formal written report in order to expedite the overall project schedule.

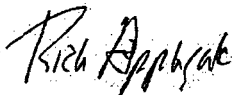
The City believes that the appropriate response would be for LWG to provide, consistent with the July EPA and LWG agreed outline, whatever it can to meet the EPA directive as soon as feasible. In addition, the City believes that the sensitivity analyses and risk management recommendations – which will likely be important factors in EPA decisions on the appropriate levels of human health and ecological risk, the scope and scale of the remedy and other central matters that must be addressed by EPA as the agency develops the site remedy – should proceed in parallel with the remaining Feasibility Study work and not delay its development.

THE FEASIBILITY STUDY. A key project goal at this point is the production of a draft Feasibility Study sometime in mid-2011 that meets EPA's requirements so the agency can begin the preparation of its draft Proposed Plan. EPA has re-stated its expectation that the LWG draft will be objective and transparent. LWG has agreed with that expectation. EPA has also encouraged LWG to continue interacting with the agency and its federal, state and Tribal partners as the work proceeds. The City concurs and has encouraged this kind of collaborative approach throughout the site evaluations in part to help avoid surprises and time-consuming debates when work products are submitted to the agency. We continue to believe that this collaborative approach should be pursued in a time-efficient manner to help avoid later disruption of the schedule.

FORMAL DISPUTE RESOLUTION. While we know there will be difficult issues to be resolved later in the Portland Harbor process, the City does not intend to dispute the EPA directives contained in its recent letters. We will continue to work as constructively as we can with EPA, DEQ, the Tribal governments and LWG to keep the Portland Harbor process on track.

Thank you for the opportunity to provide these City views. We hope they are helpful as the next steps in the Portland Harbor assessments are taken.

Sincerely,



Rick Applegate
Portland Harbor Superfund Administrator

cc: Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Warm Springs Reservation of Oregon
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of the Siletz Indians of Oregon
Confederated Tribes of the Umatilla Indian Reservation
Nez Perce Tribe
Oregon Department of Fish & Wildlife
U.S Fish and Wildlife Service
Oregon Department of Environmental Quality
Lower Willamette Group